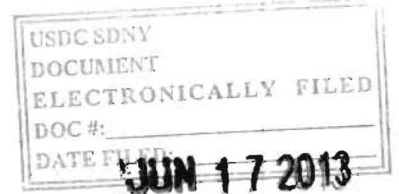


TANNENBAUM HELPERN SYRACUSE & HIRSCHTRITT LLP

900 THIRD AVENUE  
NEW YORK, NEW YORK 10022-4775  
(212) 508-6700  
FACSIMILE: (212) 371-1054



Writer's Direct Dial: (212) 508-6792  
Writer's Direct Fax: (212) 937-3722  
E-mail: maron@thsh.com

MEMO ENDORSED

June 14, 2013


**BY FAX**

Hon. J. Paul Oetken  
United States District Judge  
Southern District of New York  
40 Foley Square  
Room 2101  
New York, New York 10007

*Action is hereby  
stayed until  
June 28, 2013.*

**SO ORDERED:**

Re: *Clopay Plastics Company, Inc. v. The Excelsior Packaging  
Group, Inc. v. Kimberly-Clark Corporation and  
Hogla-Kimberly Ltd., 12 Civ. 5262 (JPO) (MHD)*

  
J. PAUL OETKEN  
U.S.D.J.

*6/17/13*

Dear Judge Oetken:

We represent third-party defendant Kimberly-Clark Corporation ("Kimberly-Clark") in the above-referenced action.

On Wednesday, June 12th, pursuant to Your Honor's Individual Rules of Practice, we sent to the Court a courtesy copy of our reply papers in connection with Kimberly Clark's Motion to Dismiss the Third-Party Complaint.

We have conferred with counsel for Third Party Plaintiff, Excelsior. Because a settlement conference is currently scheduled for Tuesday, June 18, 2013 before Magistrate Judge Michael H. Dolinger, third party plaintiff and third party defendant agree that, in the interests of judicial economy, it would make sense for the Court to defer resolution of Kimberly Clark's Motion to Dismiss the Third-Party Complaint until after the conference. In the event the conference does not resolve the action, we will inform the Court so that the Court can address the Motion.

Respectfully submitted,

Matthew R. Maron

TANNENBAUM HELPERN SYRACUSE & HIRSCHTRITT LLP

Hon. J. Paul Oetken  
June 14, 2013  
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cc: Hilary B. Miller, Esq. (by email)  
Lisa R. Dvoskin, Esq. (by email)  
Lonnie Coleman, Esq. (by email)  
Daniel T. Flaherty, Esq. (by email)  
Paul D. Sarkozi, Esq.